

Lucia Will Not Address Essential Problem With SEC Court

January 29, 2018January 29, 2018 | *Law360*

Recent challenges to the system whereby administrative law judges are selected have coalesced into a grant of certiorari in *Lucia v. U.S. Securities and Exchange Commission*, a case that would enable the U.S. Supreme Court to remake how ALJs are hired — and how they may be fired. If so, control over who serves as an ALJ will belong less to the Office of Personnel Management, or OPM, and employees of the various agencies that make up our nation's administrative system and more to the presidentially appointed members of the various commissions and heads of the agencies.